

JOURNAL OF THE HOUSE.

Monday, September 28, 2015.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag. Pledge of allegiance.

Message from the Governor.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at the annual town election held in the town of Dudley (House, No. 3778), was filed in the office of the Clerk on Friday, September 25. Dudley,—
town
election.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Election Laws. Sent to the Senate for concurrence.

Guests of the House.

At the beginning of the session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced a group of senior citizens from the Grafton Senior Center, who were seated in the House Chamber. They were the guests of Mr. Muradian of Grafton. Grafton
Senior
Center.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Messrs. Jones of North Reading and Speliotis of Danvers) commending Nancy M. Jones for her dedicated service to the town of Middleton; and Nancy
Jones.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Health Care Without Walls on the occasion of its fifteenth anniversary; Health Care
Without
Walls.

Mr. Galvin of Canton, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Kafka of Stoughton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

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From the Department of Public Health (see Section 9 of Chapter 288 of the Acts of 2010) submitting the annual recommendations of the Massachusetts Commission on Falls Prevention; and Falls,—
prevention.

From the Department of Public Utilities (see Section 9 of Chapter 149 of the Acts of 2014) submitting a report addressing the prevalence of gas leaks in the natural gas system; Natural gas
leaks.

Severally were placed on file.

Petitions.

Petitions severally were presented and referred as follows:

Automobile
excise tax.

By Ms. DiZoglio of Methuen, a petition (subject to Joint Rule 12) of Diana DiZoglio and others for legislation to exempt members of the armed forces serving on active duty from the automobile excise tax.

Robert
Montalvo,—
sick leave.

By Mr. Golden of Lowell, a petition (subject to Joint Rule 12) of Thomas A. Golden, Jr., for legislation to establish a sick leave bank for Robert A. Montalvo, an employee of the Department of Correction.

Retiree
benefits.

By Mr. Lyons of Andover, a petition (subject to Joint Rule 12) of James J. Lyons, Jr., and Frank A. Moran for legislation to further regulate retiree healthcare benefits.

Shannon
Griffin,—
sick leave.

By Representative Smola of Warren and Senator Gobi, a joint petition (subject to Joint Rule 12) of Todd M. Smola and Anne M. Gobi for legislation to establish a sick leave bank for Shannon Griffin, an employee of the Department of Developmental Services.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

Tanning
facilities.

A Bill further regulating tanning facilities (Senate, No. 1994) (on Senate, No. 1229), passed to be engrossed by the Senate was read; and it was referred, under Joint Rule 1E, to the committee on Health Care Financing.

Motor vehicle
licenses,—
suspensions.

The Senate Bill relative to motor vehicle license suspension (Senate, No. 2021) (on Senate bill No. 2014), passed to be engrossed by the Senate was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Bills

Brimfield,—
board of
selectmen.

Providing for an increase in the membership of the board of selectmen for the town of Brimfield to 5 members (Senate, No. 22, changed in section 1, in line 2, by striking out the figures “2015” and inserting in place thereof the figures “2016”; and in line 5, by inserting after the word “of”, the second time it appears, the following: “3 years and the candidate receiving the second highest number of votes to serve a term” (on a petition) [Local Approval Received];

Athol,—
demolition
funds.

Establishing a special fund for recaptured funds from demolition liens or related grants in the town of Athol (Senate, No. 32) (on a petition) [Local Approval Received];

Topsfield,—
liquor
licenses.

Authorizing the town of Topsfield to grant additional licenses for the sale of wines and malt beverages not to be drunk on the premises (Senate, No. 1947, amended by striking out section 2 and inserting in place thereof the following two sections:

“SECTION 2. The licensing authority shall not approve the transfer of a license granted under this act to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those entities and that all applicable taxes, fees and contributions have been paid.

SECTION 2A. If a license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of

the legal rights, privileges and restrictions pertaining to the license, to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location under the same conditions as specified in this act.” (on a petition) [Local Approval Received]; and

Relative to the Spinal Cord Injury Trust Fund (Senate, No. 2019) (on Senate bill No. 1972); Spinal Cord Injury Trust Fund.

Severally passed to be engrossed by the Senate were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports

Of the committee on Election Laws, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 386) of Thomas P. Kennedy for legislation to ensure appropriate capital payment for nursing facilities,— and recommending that the same be referred to the committee on Elder Affairs; and Nursing facilities,— capital payments.

Of the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 463) of Karen E. Spilka and Lori A. Ehrlich for legislation to ensure microbead-free water,— and recommending that the same be referred to the committee on Public Health; Microbead-free water.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

Reports of Committees.

Mr. Galvin of Canton, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of the House Bill making appropriations for the fiscal year 2015 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3773) (for order, see House, No. 3774), ought to be adopted. The order was considered forthwith; and it was adopted. Supplemental appropriations,— procedures.

By Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Peter J. Durant and others relative to the age of consent in certain civil actions for sexual assault and rape of a child by certain employees or contractors. Child rape,— civil actions.

Petition (accompanied by bill) of Peter J. Durant and others relative to the age of consent in certain criminal actions for sexual assault and rape of a child by certain employees or contractors. Child rape,— criminal prosecution.

Severally to the committee on the Judiciary.

Under suspension of the rules, on motion of Mr. Smizik of Brookline, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on House, No. 3676, reported, in part, a Bill making appropriations for the fiscal year 2015 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, Supplemental appropriations.

Supplemental appropriations.

No. 3773) [Total appropriation: \$248,403,787.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Nangle of Lowell, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the bill was read a second time forthwith; and it was ordered to a third reading.

Southborough,—land.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill directing the Division of Capital Asset Management and Maintenance to lease a certain parcel of land in the town of Southborough (House, No. 3762), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Nangle of Lowell, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Kafka of Stoughton, the bill was read a second time forthwith; and it was ordered to a third reading.

State Workforce Development Board.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill establishing a State Workforce Development Board (printed in House, No. 3570), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 3772). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Nangle of Lowell, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Kafka of Stoughton, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Drug offenders,—treatment.

By Ms. Malia of Boston, for the committee on Mental Health and Substance Abuse, on a petition, a Bill relative to diversion to substance abuse treatment for non-violent drug offenders (House, No. 1806).

Behavioral health.

By the same member, for the same committee, on a petition, a Bill relative to behavioral health access (House, No. 1808).

Opioid addiction,—treatment.

By the same member, for the same committee, on a petition, a Bill relative to medication assisted treatment for opioid addiction (House, No. 1809).

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

Community Preservation Trust.

By Mr. Kaufman of Lexington, for the committee on Revenue, on Senate, No. 1459 and House, No. 2587, a Bill to sustain community preservation revenue (House, No. 2587).

Mortgage debt,—tax deduction.

By the same member, for the same committee, on Senate, Nos. 1464 and 1521 and House, No. 2607, a Bill relative to the relief of mortgage debt (House, No. 3770).

Conservation,—tax credits.

By the same member, for the same committee, on House, No. 2585, a Bill relative to land conservation incentives (House, No. 3771).

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill relative to the use of force accounts (House, No. 2773).

Agencies,—
awarding of
contracts.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on Senate No. 1089 and House, No. 1831, a Bill supporting municipal fiscal stability through a special education stabilization fund (House, No. 1831, changed in line 1 by striking out the figures "2008" and inserting in place thereof the figures "2014", in line 2 by striking out the following: "13C" and inserting in place thereof the following "13D", and in line 3 by striking out the following: "13D" and inserting in place thereof the following: "13E"). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Special
education,—
funding.

Engrossed Bill.

The engrossed Bill relative to the recall of elected officials in the town of Dighton (see House, No. 3615, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Orders of the Day.

House bills

Designating a certain bridge in the city of Boston as the P.F.C. Alvin Richard Gale memorial bridge (House, No. 3083) (its title having been changed by the committee on Bills in the Third Reading); and

Third
reading
bills.

Relative to preliminary elections for certain offices in the city of Lawrence (House, No. 3598);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill relative to the retirement benefits of the surviving beneficiary of Francis X. Noe (House, No. 3376), reported by the committee on Bills in the Third Reading to correctly drawn, was read a third time.

Francis X.
Noe,—
survivor
benefits.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by substitution of a bill with the same title (House, No. 3777), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

Next
sitting.

At twelve minutes before twelve o'clock noon, on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.